EXHIBIT D

VA AUDIOLOGY & SPEECH PATHOLOGY CLINICS (CONT)

OHIO:

3.	Cleveland:	Audiology & Speech Pathology Service (126) VA Medical Center 10701 E Boulevard Cleveland, OH 44106
4.	Dayton:	Audiology & Speech Pathology Service (126) VA Medical Center 4100 W Third Street Dayton, OH 45428

OKLAHOMA:

1.	Oklahoma City:	Audiology & Speech Pathology Service (126) VA Medical Center 921 NE 13th Street Oklahoma City, OK 73104

OREGON:

1.	Portland:	Audiology & Speech Pathology Service (126) VA Medical Center 3710 SW US Veterans Hospital Road Portland, OR 97201
2.	Roseburg:	Audiology & Speech Pathology Service (126) VA Medical Center 913 NW Garden Valley Boulevard Roseburg, OR 97470
3.	White City:	Audiology & Speech Pathology Service (126) VA Domiciliary 8495 Creator Lake Highway 62 White City, OR 97503-1088

PENNSYLVANIA:

1.	Altoona:	Audiology & Speech Pathology Service (126) VA Medical Center 2907 Pleasant Valley Boulevard Altoona, PA 16603
2.	Butler:	Audiology & Speech Pathology Service (126) VA Medical Center New Castle Road Butler, PA 16001

EXHIBIT D

VA AUDIOLOGY & SPEECH PATHOLOGY CLINICS (CONT)

PENNSYLVANIA:

3. Coatesville:	Audiology & Speech Pathology Service (126) VA Medical Center 1400 Black Horse Hill Road Coatesville, PA 19320-2097
4. Erie:	Audiology & Speech Pathology Service (126) VA Medical Center 135 E 38th Street Erie, PA 16504
5. Lebanon:	Audiology & Speech Pathology Service (126) VA Medical Center S Lincoln Avenue Lebanon, PA 17042
6. Philadelphia:	Audiology & Speech Pathology Service (126) VA Medical Center UNIVERSITY & WOODLAND Philadelphia, PA 19104
7. Pittsburgh: (Highland Dr)	Audiology & Speech Pathology Service (126) VA Medical Center 7180 Highland Drive Pittsburgh, PA 15206-1297
8. Pittsburgh: (University Dr)	Audiology & Speech Pathology Service (126) VA Medical Center University Drive C Pittsburgh, PA 15240
9. Wilkes Barre:	Audiology & Speech Pathology Service (126) VA Medical Center 111 E End Boulevard Wilkes Barre, PA 18711

PUERTO RICO:

1. San Juan:	Audiology & Speech Pathology Service (126) VA Medical Center One Veterans Plaza San Juan, PR 00927-5800

SOUTH CAROLINA:

1. Columbia:	Audiology & Speech Pathology Service (126) VA Medical Center 6439 Garners Ferry Road Columbia, SC 29201

EXHIBIT D

VA AUDIOLOGY & SPEECH PATHOLOGY CLINICS (CONT)

SOUTH DAKOTA:

1. Fort Mead: Audiology & Speech Pathology Service (126)
VA Medical Center
I 90/Hwy 34
Fort Mead, SD 57741

2. Hot Springs: Audiology & Speech Pathology Service (126)
VA Medical Center
500 N 5th Street
Hot Springs, SD 57747

3. Sioux Falls: Audiology & Speech Pathology Service (126)
VA Medical Center
2501 W 22nd Street
Sioux Falls, SD 57105

TENNESSEE:

1. Memphis: Audiology & Speech Pathology Service (126)
VA Medical Center
1030 Jefferson Avenue
Memphis, TN 38104-2193

2. Mountain Home: (Johnson City) Audiology & Speech Pathology Service (126)
VA Medical Center
Lamont Street
Mountain Home, TN 37684

3. Murfreesboro: Audiology & Speech Pathology Service (126)
VA Medical Center
3400 Lebanon Road
Murfreesboro, TN 37130

4. Nashville: Audiology & Speech Pathology Service (126)
VA Medical Center
1310 24th Avenue S
Nashville, TN 37203

TEXAS:

1. Austin: Audiology & Speech Pathology Service (126)
VA Outpatient Clinic
2901 Montopolis Drive
Austin, TX 78741

2. Dallas: Audiology & Speech Pathology Service (126)
VA Medical Center
4500 S Lancaster Road
Dallas, TX 75216

EXHIBIT D

VA AUDIOLOGY & SPEECH PATHOLOGY CLINICS (CONT)

TEXAS:

3. Fort Worth: Audiology & Speech Pathology Service (126)
VA Outpatient Clinic
300 W Rosedale
Ft Worth, TX 76104

4. Houston: Audiology & Speech Pathology Service (126)
VA Medical Center
2002 Holcombe Boulevard
Houston, TX 77030

5. San Antonio: Audiology & Speech Pathology Service (126)
VA Medical Center
7400 Merton Minter Boulevard
San Antonio, TX 78284

6. Temple: Audiology & Speech Pathology Service (126)
VA Medical Center
1901 S 1st Street
Temple, TX 76504

7. Waco: Audiology & Speech Pathology Service (126)
VA Medical Center
4800 Memorial Drive
Waco, TX 76711

UTAH:

1. Salt Lake City: Audiology & Speech Pathology Service (126)
VA Medical Center
500 Foothill Boulevard
Salt Lake City, UT 84148

VERMONT:

1. White Rive Jct: Audiology & Speech Pathology Service (126)
VA Medical Center
N Hartland Road
White River Junction, VT 05009

VIRGINIA:

1. Hampton: Audiology & Speech Pathology Service (126)
VA Medical Center
Emancipation Drive
Hampton, VA 23667

EXHIBIT D

VA AUDIOLOGY & SPEECH PATHOLOGY CLINICS (CONT)

VIRGINIA:

2. Richmond: Audiology & Speech Pathology Service (126)
VA Medical Center
1201 Broad Rock Boulevard
Richmond, VA 23249

3. Salem: Audiology & Speech Pathology Service (126)
VA Medical Center
1970 Roanoke Boulevard
Salem, VA 24153

WASHINGTON:

1. Seattle: Audiology & Speech Pathology Service (126)
VA Medical Center
1660 S Columbian Way
Seattle, WA 98108

2. Walla Walla: Audiology & Speech Pathology Service (126)
VA Medical Center
77 Wainwright Drive
Walla Walla, WA 99362

WEST VIRGINIA:

1. Clarksburg: Audiology & Speech Pathology Service (126)
VA Medical Center
Milford and Chestnut Streets
Clarksburg, WV 26301

2. Huntington: Audiology & Speech Pathology Service (126)
VA Medical Center
1540 Spring Valley Drive
Huntington, WV 25704

3. Martinsburg: Audiology & Speech Pathology Service (126)
VA Medical Center
Rt 9
Martinsburg, WV 25401

WISCONSIN:

1. Madison: Audiology & Speech Pathology Service (126)
VA Medical Center
2500 Overlook Terrace
Madison, WI 53705

EXHIBIT D

VA AUDIOLOGY & SPEECH PATHOLOGY CLINICS (CONT)

WISCONSIN:

2. Milwaukee: Audiology & Speech Pathology Service (126)
VA Medical Center
5000 W National Avenue
Milwalkee, WI 53295

3. Tomah: Audiology & Speech Pathology (126)
VA Medical Center
County Trunk E
Tomah, WI 54660

WYOMING:

1. Cheyenne: Audiology & Speech Pathology Service (126)
VA Medical Center
2360 E Pershing Boulevard
Cheyenne, WY 82001

2. Sheridan: Audiology & Speech Pathology Service (126)
VA Medical Center
Fort Road
Sheridan, WY 82801

connection with the "Certificate of Current Cost or Pricing Data" (see f, below), those books, records, documents, papers, and other supporting data which involve transactions related to this proposal which will permit adequate evaluation and verification thereof.

(f) Cost or Pricing Data.

(1) If it is determined by the Government the price(s) quoted under this solicitation is NOT based on established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulations, the offeror shall submit in writing cost or pricing data in support of the proposed price. (For definition of "cost or pricing data," see FAR 15.804-3).

(2) The offeror shall certify, by the use of the certificate in FAR 15.804-4, that to the best of his knowledge and belief that cost or pricing data submitted in accordance with the above is accurate, complete, and current. The applicable clauses in FAR 15.804-8 are incorporated by reference in this contract.

Evaluation Factors for Award

The Government will make award to the eight (8) responsible offerors whose offers conform to the solicitation and are most advantageous to the Government, price, technical quality, and other factors considered. The Government will award contracts only to concerns whose technical proposals establish they can meet the Government's minimum requirements. An award will not be made to any offeror whose hearing aid samples do meet all the Physical Characteristics, General Technical Requirements, Special Technical Requirements for high frequency emphasis circuitry, as well as all Fitting Rationale and Matrix Book requirements. Except for high frequency emphasis aids, the relative importance of price and technical quality is established in the Cost per Point of Quality and the Adjusted Cost per Point of Quality which are determined by the Index of Characteristics and the Product Quality Rating. For high-frequency emphasis aids the relation between price and technical quality is established in the Modified Cost per Point of Quality which is determined by the best offered price and the Product Quality Rating. (Amended, see attached)

Proposals will be considered only from those offerors who: (a) Have been actively engaged in the business of Custom ITE hearing aids for three or more years: (b) Have submitted samples in accordance with this solicitation; and (c) Are registered with the Food and Drug Administration (FDA). NOTE: Normally a contract will not be awarded unless anticipated sales are expected to exceed $25,000 for a 1-year period. See Section I, Contract Clauses, Page 23, I-FSS-639 Contract Award Sales Criteria (SEP 1990)

INDEX OF CHARACTERISTICS: The Index of Characteristics for each aid is the sum of the weighted scores from the following subtests: Harmonic Distortion, Equivalent Input Noise Level, Index of Effectiveness, Uniformity of Slope, and Coherence (with 80 dB input level). The higher the Index of Characteristics, the better the technical quality. The Index of Characteristics is not computed for the high-frequency emphasis aid. (Amended, see attached)

COST PER POINT OF QUALITY: The Cost per Point of Quality score for each model will be derived by dividing the BEST PRICE OFFERED by the INDEX OF CHARACTERISTICS SCORE. A hearing aid sample with a high Index of Characteristics score (better technical quality) and a low bid price will have a low Cost per Point of Quality score. The cost per Point of Quality is not computed for the high-frequency emphasis aid.

PRODUCT QUALITY RATING: The product quality rating will be used to assess the degree of success the offeror has had in achieving the values for performance characteristics specified in the fitting rationale and matrix book. This rating also reflects the degree of assurance that an offeror will design and fabricate hearing aids in a systematic manner without variation, given the same set of audiological data or matrix selection. The electroacoustic parameters evaluated in this rating are specified as follows:

a. For the two aids designed for the two sets of audiological data requiring a broadband response, measured electroacoustic data obtained for each hearing aid sample will be compared to predicted values calculated from the fitting rationale formulae for the following parameters:

1. Measured gain vs frequency at 250, 500, 1000, 2000, 3000, and 4000 Hz shall approximate calculated values for each frequency derived from the fitting rationale within +/-3 dB for both sets of audiological data.

2. Measured SSPL shall approximate calculated values derived from the fitting rationale within +/-3 dB for both sets of audiological data.

3. Measured slope Characteristics shall approximate the values derived from the fitting rationale with +/-3 dB for both sets of audiological data.

b. For the two aids designed for the two matrix selections, measured electroacoustic data obtained for each hearing aid sample will be compared to values specified in the two matrices for the following parameters:

1. Measured gain vs frequency at 250, 500, 1000, 2000, 3000, and 4000 Hz shall approximate the values for each frequency specified in the matrix book within +/-3 dB for both matrices selected.

2. Measured SSPL shall approximate the values specified in the matrix book within +/-3 dB for both matrices selected.

3. Measured slope characteristics shall approximate the values specified in the matrix book within +/-3 dB for both matrices selected.

A numerical Product Quality Rating will be determined based upon penalty points assigned to the three electroacoustic parameters.

a. For the two hearing aids designed for two sets of audiological data, requiring a broadband response, the following penalty points will be assigned for parameters that do not meet the +/-3 dB tolerance comparing measured values to calculated values:

1. Gains vs frequency: .5 penalty point for each of the frequencies, 250, 500, 1000, 2000, 3000, and 4000 Hz. A maximum of 6 penalty points is possible; 3 points for each hearing aid sample.

2. SSPL: 1 penalty point for each SSPL. A maximum 2 point penalty points is possible; 1 point for each hearing aid sample.

3. Slope; 1 penalty point for each slope. A maximum 2 penalty points is possible; 1 point for each hearing aid sample.

b. For the two hearing aids designed for the two matrix selections, the following penalty points will be assigned for parameters that do not meet the +/-3 dB tolerance comparing measured to calculated values:

1. Gain vs frequency: .5 penalty point for each of the frequencies, 250, 500, 1000, 2000, 3000, and 4000 Hz. A maximum 6 penalty points is possible; 3 points for each hearing aid sample.

2. SSPL: 1 penalty point for each SSPL. A maximum 2 penalty points is possible; 1 point for each hearing aid sample.

3. Slope: 1 penalty point for each slope. A maximum 2 penalty points is possible; 1 point for each hearing aid sample.

The maximum penalty points for these four hearing aids is 20. A perfect score is 0.

AVERAGE ADJUSTED COST PER POINT OF QUALITY: An average Adjusted Cost per Point of Quality will be computed for four hearing aid samples, the two aids designed for two sets of audiological data requiring a broadband response and the two designed for the two matrix selections. The Average Adjusted Cost per Point of Quality score is derived by summing the Cost per Point of Quality score and the Product Quality score for each of these four hearing aid samples and dividing by 4. The higher the Average Adjusted Cost per Point of Quality score, the poorer the technical quality for the price offered. This core further defines the Cost per Point of Quality score. (This computation is not done for high-frequency emphasis aids.)

Only those contractors whose hearing aids samples have Average Adjusted Cost per Point of Quality scores above the median or no less than 2 points below the median will be considered for contract award.

c. For the hearing aid designed for the set of audiological data requiring high-frequency emphasis circuitry, the following penalty points will be assigned for parameters that do not meet the +/-3 dB tolerance comparing measured values to calculated values:

1. Gain vs frequency: .5 penalty point for each of the frequencies 1000, 2000, 3000, and 4000 HZ in the occluding and non-occluding mold conditions. A maximum 4 penalty points is possible; 2 points for each mold condition.

2. SSPL: 1 penalty point.

3. Slope: 1 penalty point.

The maximum penalty points for this hearing aid is 6. A perfect score is 0.

MODIFIED COST PER POINT OF QUALITY: The Modified Cost per Point of Quality score for each high-frequency emphasis hearing aid is the sum of the BEST PRICE OFFERED and the Product Quality Rating Score. The higher the Modified Cost per Point of Quality score, the poorer the technical quality for the price offered.

End of Section M - Evaluation Factors for Award

(Amended, see attached)

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET

PLEASE COMPLETE AND SUBMIT THIS FORM TOGETHER WITH PROPOSAL TO THE ADDRESS AND BY THE DATE SPECIFIED IN BLOCKS 8 AND 9 STANDARD FORM 33. (Amended, see attached)

1. Offeror: ______________________________

   Address: ______________________________

   Phone #: ______________________________

   Trade name/model number of sample - model: ______________

   Person to be contacted regarding samples submitted:

   Name ____________ Title ____________ Phone # ________

2. Battery information:

   a. Battery type recommended ____________

   b. Zinc air battery is interchangeable with mercury: Yes ______ No ______

3. List all adjustment control options available, e.g., tone, SSPL:

   ____

   ____

4. Do you have a telephone pick-up? Yes ______ No ______

5. List all special types of circuits available in your product line, e.g., ultra power, K-AMP, ASP, compression:

   ____

   ____

6. List all the additional feature(s) that can be obtained by request:

   ____

   ____

5.

General Counsel (025)

5. Please direct questions to Larry Wyborski at (202) 233-4168.

Sue Penn

for Robert E. Beeton

Attachments

CONCURRENCE: ______________________ ______________
(025) DATE

1. P

2. 0204

3. 94

4. 3600

5. 80401

6. 65

7. VA DENVER DISTRIBUTION CENTER, 730 SIMMS STREET, ROOM 147, LAKEWOOD, COLORADO 80401

8. 65-CUSTOM IN-THE-EAR HEARING AIDS

9. RFP 791-01-94

10. 032594

11. CONTRACT: ELAINE WILLIAMS, CONTRACTING OFFICER, (303) 231-5025

12. N/A

13. N/A

14. N/A

15. N/A

16. N/A

17. THE VA DENVER DISTRIBUTION CENTER, INTENDS TO NEGOTIATE CONTRACTS FOR CUSTOM IN-THE-EAR HEARING AIDS. SOLICITATION PACKAGE WILL BE ISSUED ON FEBRUARY 22, 1994. THIS PROCUREMENT IS OPEN TO SMALL AND LARGE BUSINESSES. ALL REQUESTS MUST BE IN WRITING ON COMPANY LETTERHEAD WITH POINT OF CONTACT. NO TELEPHONE REQUESTS WILL BE HONORED. TRADE AGREEMENT NOTE 12 APPLIES. A PRE-PROPOSAL CONFERENCE WILL BE HELD AT THE VA DENVER DISTRIBUTION CENTER, 730 SIMMS, STREET, ROOM 147, DENVER, COLORADO 80401 ON MARCH 9, 1994, BETWEEN 1:00 PM TO 3:30 PM. OFFERS DUE MARCH 25, 1994 AT 4:00 PM MOUNTAIN TIME.

Department of
Veterans Affairs

Memorandum

Date: December 13, 1993

From: Director, Denver Distribution Center (905)

Subj: Legal and Technical Review - Solicitation RFP 791-01-94

To: Deputy Assistant Secretary for Acquisition and Materiel Management (90)
Thru: Associate Deputy Assistant Secretary for Depots (90D)

1. In accordance with VAAR 801.602-70, (a)(1), attached find solicitation RFP 791-01-94, Custom Hearing Aids, submitted for Legal and Technical Review. The estimated value is $24,470,000.00.

2. Your prompt response, upon completion of your legal and technical review will be very much appreciated. Should there be any questions regarding this solicitation , please contact Elaine Williams at (303) 231-5025.

Robert A. Shields

Robert A. Shields

Attachment

2.

General Counsel (025)

f. Section C:

(1) Page 4, NOTE - Since hearing aids with special circuits "will be requested only from eight manufacturers awarded contracts", we recommend that an optional item for aids with special circuits be added to Section B. The solicitation should also state whether this optional item will be evaluated for award purposes. At a minimum, if a postaward line item is not contemplated, the aforementioned phrase should be clarified. This matter was discussed with the Contracting Officer.

(2) Page 4, item 1 - Ensure that there is sufficient documentation in the file to support the requirement for eight contract awards. The number must not be an arbitrary one. Also, is it possible that less than eight contracts will be awarded? If so, language to that effect should be added to this item.

(3) Page 4, item 1a. - Spell out any acronyms not spelled out elsewhere in the solicitation. Examples here include "SSPL" and "ITE." Also see "NAL" and "POGO", page 5, item 1d.

(4) Page 5, item 1c. - Ensure that there are only two special technical requirements.

(5) Page 5, items 1d. and 1e. - We recommend these items be moved to Section L, since they are information required from offerors, not firm contract requirements appropriate for inclusion in Section C.

g. Section G:

(1) Page 13, top - Change "offerors" to "contractors" here and anywhere else the term "offeror" appears in Sections A-J of the solicitation.

(2) Page 13, bottom and page 51, Note - Due to the inclusion of these statements, consider the addition of a data rights clause to Section I of the solicitation.

h. Section H:

(1) Page 14, paragraph 2 - We recommend that experience (i.e., past performance) be included as an evaluation factor in Section M, in accordance with Office of Federal Procurement Policy (OFPP) Letter 92-5, rather than including a firm 3 year experience requirement here. Also, a firm experience requirement may be interpreted as being restrictive.

(2) Page 14, paragraph 2 - The reference to page 24 is incorrect. Please change the reference to page 22.

(3) Page 14, Product Modification, Removal, or Recall - A manufacturer requirement for action under the resultant contract is unenforceable. Please revise this item so that notification to the Government is solely a contractor responsibility.

3.

General Counsel (025)

(4) Page 15, Modifications - Add "...without action" at the conclusion of the last sentence under the first paragraph for the purpose of clarity.

(5) Page 15, item (a), first sentence - Please clarify this sentence. It appears that the addition of new items may be unduly restricted to those contractors who received previous VA or, possibly, other Government contracts. This matter was discussed with the Contracting Officer.

(6) Page 16, Guarantees, last sentence - The requirement to maintain repair services and raw parts for 5 years is unenforceable under a two-year contract.

i. Section I:

(1) Add FAR 52.225-17, Buy American Act - Supplies under European Community Agreement (MAY 1993).

(2) Delete the following clauses:

(a) 52.215-23: Price Reduction for Defective Cost or Pricing Data - Modifications (DEC 1991)

(b) 52.215-25: Subcontractor Cost or Pricing Data - Modifications (DEC 1991)

(3) Add the date of (DEC 92) to VAAR 852.203-71: Display of VA Hotline Poster, based on VAAC 93-27.

(4) Revise the language referenced in VAAR 852.216-70, Quantities (APR 1984), so that it is consistent with the required VAAR language for that clause.

(5) Pages 23-25 - We recommend that the following items be relocated, in accordance with the uniform contract format:

(a) Page 23, (a) to Section L

(b) Page 24, (b) to Section G

(c) Page 24, (c) to Section C

(d) Page 25, (d) to Section C

(e) Page 25, (e) to Section G

(6) Page 26, item (a)(1) - Refer to the appropriate page for the DSMD (i.e., page 29) for the purpose of clarity.

(7) Page 27, Examination of Records by VA - We recommend that this item be deleted, since it appears to essentially duplicate language from FAR 52.215-1, Examination of Records by the Comptroller General (FEB 1993), and FAR 52.215-2, Audit - Negotiation (FEB 1993), which are already appropriately included in Section I.

j. Section J: Delete VAMC Martinez in Exhibit D.

k. Section K:

(1) Page 29, top - Replace "bidders" with "offerors".

(2) Pages 29-38 - Ensure that only the information necessary for evaluation under the DSMD is being requested.

(3) Add FAR 52.225-16, Buy American Act - Supplies under European Community Agreement Certificate (MAY 1993).

l. Section L:

(1) FAR 52.216-1 requires a "fill-in".

(2) Page 51, Pricing Proposals - We recommend that the last sentence be deleted, since the information pertains to the technical proposal. Contracting personnel should only be privy to price proposal information. This matter was discussed with the Contracting Officer.

m. Section M:

(1) We request that your office carefully review the evaluation methodology in this solicitation, since the approach is novel to VA and a similar Section M is anticipated for DDC acquisition of stock hearing aids at a later date. We believe the approach being used is feasible.

(2) As stated under Section H of this review, we recommend that past performance be added to this Section as an evaluation factor.

4. The contracting officer is responsible for ensuring that all FAR and VAAR provisions and clauses have been updated through FAC 90-18 and VAAC Change 27.

Department of Veterans Affairs

Memorandum

Date: JAN 31 1994

From: Assistant General Counsel (025C)

Subj: Legal Review, Denver Distribution Center (DDC), Decentralized Schedule Contract for Custom-In-The-Ear Hearing Aids, RFP 791-01-94

To: Acquisition & Materiel Management Service (95B)

1. This is in response to your undated memorandum requesting our legal review of the above-subject solicitation. We concur in your technical comments and offer the following additional comments:

a. Page 16, Guarantees: This paragraph states that the contractor agrees to furnish, without additional cost to the Government, replacement of parts and materials found to be defective during the guarantee period. It also states that the contractor agrees to replace an instrument for reasons of loss once during the guarantee period. However, it does not state "without cost to the Government." We recommend that the statements be consistent to avoid possible ambiguity;

b. Page 55, Evaluation Factors for Award: The first paragraph states in the third sentence that hearing aid samples that do not meet the Government's minimum requirements shall be rejected without further consideration. This is improper. The Comptroller General has determined that automatic exclusion from negotiation of an offeror on the basis of a failure of a sample without identifying the causes thereof or without consideration of competitive range is inconsistent with negotiated procurement. *See generally, Smoke Detectors*, B-191459, Aug. 1, 1978, 78-2 CPD ¶ 83; *Cosmos Industries, Inc.*, B-178823, Nov. 14, 1973, Unpub. Rejection would only be possible after determining that the overall proposal, including the proposal sample, was so materially deficient as to preclude inclusion in the competitive range. Therefore, revise or delete this statement.

c. A justification for submission of samples should be included in the contract file. Review FAR § 14.202-4 for the appropriate criteria to be discussed in the justification. Although FAR Part 14 deals with sealed bidding, the section on samples is relevant to negotiated procurement since there is no corresponding section in FAR Part 15.

d. We are concerned that the evaluation scheme in Section M is very complex. Typically, agencies have great discretion in determining the evaluation scheme for a particular procurement. In addition, vendors should have a superior grasp of technical issues concerning a product than the average lay person. Moreover, the contracting officer informed our office that this same scheme has been successfully utilized under prior procurements. However, we recommend that consideration be given to an attempt to ease comprehension of Section M. Some suggestions are to

2.

Acquisition & Materiel Management Service (95B)

offer a sample evaluation as an example or add paragraph or step numbers which would make the section easier to follow. Also, the contracting officer should be prepared to answer questions about Section M in the pre-proposal conference.

2. Upon consideration of the foregoing, we will have no legal objection to the above-subject solicitation. Contact Dennis Foley, at 523-3707, with any questions concerning this matter.

William E. Thomas, Jr.

Attachment

Department of
Veterans Affairs

Memorandum

Date: JAN 10 1994

From: Director, Acquisition Policy and Review Service (95B)

Subj: Legal Review, Denver Distribution Center (DDC), Decentralized Schedule Contract for Custom-In-The-Ear Hearing Aids, RFP 791-01-94

To: General Counsel (025)

1. The subject solicitation is submitted for legal review pursuant to Department of Veterans Affairs Regulation (VAAR) 801.602-72.

2. This contract is intended to cover a period from October 1, 1994 to September 30, 1996. We noted no reference to an option year or multiyear requirements. We understand that VA Federal Supply Schedule (FSS) contracts are normally issued on a 2-year basis.

3. Upon incorporation of the following recommended changes, there will be no technical objection to the solicitation:

a. Clauses and provisions utilized by the General Services Administration (GSA) or specifically related to FSS contracts are included in this solicitation. We reviewed these clauses and provisions for applicability and consistency with Federal Acquisition Regulation (FAR)/VAAR clauses and provisions. We had no objection to their use, since we understand VA (specifically, the National Acquisition Center (NAC)) routinely employs them in VA FSS contracts. The DDC should ensure that they have been delegated the authority necessary to issue such contracts.

b. Cover Pages:

(1) Page 1 - Consider deleting the words "any" and "that may be desired" from the statement immediately above 552.219-72.

(2) Page 2 - The statement addressing contractor billing should be moved to Section G, in accordance with the uniform contract format.

(3) Page 2 - We recommend that information redundant to that already provided under Section L be deleted. See the statements entitled "Late Proposals" and "Notice: Request for Explanation or Information."

c. SF 33: Block 5 - Revise the issuance date.

d. Section A: Move FAR 52.219-22, SIC Code and Small Business Size Standard to Section K or L, as appropriate.

e. Section B: Since specific technical information for the models to be offered is requested in Exhibit "A" and specific pricing information is requested under "Discount Schedule & Marketing Data" (Section K), we recommend that these portions of the solicitation be referenced here for purposes of clarity.

6. Premarket Notification No.:

(Model CE9)	K930805
(Model CE L9)	K930805
(Model CE H9)	K930805
(Model SA C9)	K930853
Model SA S9)	K930853

-ld you have any questions regarding this proposed award, please call Elaine Williams -3) 231-5025. Your reply should be sent to the following address:

VA Denver Distribution Center (905C)
730 Simms Street, Room 147
Lakewood, CO 80401
FAX NUMBER: (303) 231-5009

-rely,

-- Williams
-racting Officer

Department of
Veterans Affairs

Memorandum

Date: April 12 1994

From: Contracting Officer, Denver Distribution Center (905C)

Sub: Solicitation RFP 791-01-94, Custom Hearing Aids

To: Coordinators, VA National Hearing Aid Program (126)

1. Offers submitted on the above noted solicitation were reviewed for responsiveness and responsibility. The following are eligible offerors to be considered for awards.

- ✓ Active Electronic Inc.
- ✓ Authorized Hearing Systems
- ✓ Best Labs
- ✓ GN Danavox, Inc.
- ✓ 3M Hearing Health
- ✓ Phonak, Inc.
- ✓ Rexton, Inc.
- ✓ Starkey Laboratories, Inc.
- ✓ Unitron Industries, Inc.
- ✓ Argosy Electronics Inc.
- ✓ Beltone Electronics Corp.
- ✓ General Hearing Instruments
- ✓ Lori Medical Laboratories
- ✓ Oticon, Inc.
- ✓ Qualitone
- ✓ Siemens Hearing Instruments
- ✓ Telex Communications, Inc.

2. Should you have any questions, please contact me at (303) 231-5025.

Elaine Williams

Elaine Williams

Department of
Veterans Affairs

Memorandum

Date: February 18, 1994

From: Director, Denver Distribution Center (905C)

Sub: Technical/Legal Review, RFP 791-01-94, Decentralized Schedule Contract for Custom In-The-Ear Hearing Aids

To: Director, Acquisition Policy and Review Service (95B)

1. DDC forwarded the above noted solicitation for review on December 13, 1993, via overnight delivery service. Final review was received via Fax on February 7, 1994.

2. We have reviewed your memorandum dated February 2, 1994. We concur and have complied with or incorporated all recommendations except as noted below:

. Technical Review - dated January 10, 1994.

a. Paragraph 2 - Multiyear contract period from October 1, 1994 to September 30, 1996, referenced on Cover Page 1 and page 2 of Section A.

b. Paragraph 3, b (2) - Disagree. This note is required, per General Services Administration Acquisition Regulation (GSAR) Matrix. Clause is in Section G.

c. Paragraph 3, b (3) - Disagree. The statement entitled "Late Proposals" is required, per GSAR Matrix. Clause is in Section L. Concur, "Notice: Request for Explanation or Information" deleted.

d. Paragraph 3, f (1) - Disagree with first sentence. Special circuits are listed in Section B. Concur, solicitation states that optional item will be evaluated for award purposes.

e. Paragraph 3, f (5) - Disagree. We feel these items should stay in Section C. The fitting rationale and matrix book contains specific specifications that the contractor must comply with. For submitting the above noted information, instructions are in Section L.

f. Paragraph 3, i (4) - Disagree. We used the language required for the procurement of prosthetic items, as required by VAAR 852.216-70, Quantities (APR 1984).

g. Paragraph 3, i (5) (a-e) - Disagree. Clause number inadvertently omitted and has been added. This Clause is required in this section, per GSAR Matrix.

3. We have reviewed the Legal memorandum dated January 31, 1994. We concur and have complied with or incorporated all recommendations.

4. We would like to take this opportunity to express our appreciation for your dedication and support of the technical/legal reviews for the Custom Hearing Aid and Hearing Aid Repair solicitations as well as future DDC commodity and service contracting. Your effectiveness in the handling of these reviews and the smooth flow of paperwork insures the solicitation being processed promptly and the success of future contracting at DDC.

5. Any questions regarding this matter should be directed to Elaine Williams, Contracting Officer at (303) 231-5025.

Robert A. Shields

Robert A. Shields

cc: Eleanor Wintercorn, VANHAP Coordinator (126)
Lucille Beck, Associated VANHAP Coordinator (126)
C. Dale Duvall, ADAS for Depots (90D)
Contract File ✓

... Officer: John Jones/WBB11/ext-3057 Buyer: Eric Ekberg/WBB02/ext-2790 ... YPI93125000777 NSN 6145-00-526-2711, 100 twisted pair, NO 24 AWG, ... plastic, shield Aluminum and jacketed 16,000-Ft Del to Mechanicsburg PA ... 0789 Del by 21 Feb 94. 40,000-Ft Del to Memphis TN 38114-5210 Del by ... 94. IFB due date: 28 Mar 94. Specs: Rea PE-39 BFCX100-24 predominant ... Copper primary qty: 56000 destinations:1 16000 SW3100 Mechanicsburg PA ... 055-07892 40000 SW3500 Memphis TN 38114-5210 delivery to CONUS (excluding Alaska). Delivery schedule: 120 days ado size standard: 1000 offers will be evaluated with A 10% preference for small Disadvantaged business concerns. Dwgs/specs are not required. All responsible sources may submit offer which DISC shall consider(0038)

Defense Industrial Supply Center, 700 Robbins Ave, Phila PA 19111-5096

61 -- **CABLE, SPECIAL PURPOSE, ELECTRICAL, 2500** SOL SP0500-94-B-0054 DUE 032894 POC Contact: DISC-PODA:215-697-3398 for copies of Solicitation. Contracting Officer: John Jones/WBB11/ext-3057 Buyer: Eric Ekberg/WBB02/ext-2790 PR-NO: YPI93136001017 NSN 6145-01-202-9531, cable, shipboard-type NO LSTTSU-10 22,500-Ft Del to Mechanicsburg PA 17055-0789 Del by 15 DEC 93. 37,500-Ft Del to Tracy CA 95376-5000 Del by 15 DEC 93. IFB due date: 28 Mar 94. Specs: MIL-C-24543/23-04 unpredominant matter: Copper primary qty: 60000 destinations:1 22500 SW3100 Mechanicsburg PA 17055-07892 37500 SW3200 Tracy CA 95376-5000 delivery to CONUS (excluding Alaska). Delivery schedule: 120 days ado size standard: 1000 offers will be evaluated with A 10% preference for small Disadvantaged business concerns. All responsible sources may submit offer which DISC shall consider(0038)

Defense Industrial Supply Center, 700 Robbins Ave, Phila PA 19111-5096

61 -- **CABLE, SPECIAL PURPOSE, ELECTRICAL, 1000** SOL SP0500-94-B-0053 DUE 032894 POC Contact: DISC-PODA:215-697-3398 for copies of Solicitation. Contracting Officer: John Jones/WBB11/ext-3057 Buyer: Eric Ekberg/WBB02/ext-2790 PR-NO: YPI93176000896 NSN 6145-01-204-0544, cable (shipboard) TY NO LS2snu-19 in 13,000-Ft Del to Mechanicsburg PA 17055-0789 Del by 20 Feb 94. 7,000-Ft Del to Tracy CA 95376-5000 Del by 20 Feb 94. IFB due date: 28 Mar 94. Specs: MIL-C-24643/33-05UN (low smoke cable). Predominant matter: Copper primary qty: 20000 ft destinations:1 13000 SW3100 Mechanicsburg PA 17055-07892 7000 SW3200 Tracy CA 95376-5000 delivery to CONUS (excluding Alaska). Delivery schedule: 120 days ADC NOTE 12 applies size standard: 1000 offers will be evaluated with A 10% preference for small Disadvantaged business concerns. Dwgs/specs are not required. All responsible sources may submit offer which DISC shall consider(0038)

Defense General Supply Center, 8000 Jeff Davis Hwy, Richmond, VA 23297-5312

61 -- **END BELL,ELECTRICAL** SOL SP0451-94-R-1940 DUE 032994 POC Contact: For copies of solicitations, (available at least 15 days from announcement, phone or write DGSC Attn;DGSC-PO Richmond VA 23297-5312 AC (804)279-3350. Contact Sharon Blackmore/BG430/804-279-4909. Contracting Officer-Carol Martin/804-279-4230 PR-NO: YPG93340001558 NSN 6150-01-166-3874, end Bell, electrical, General Elec Co., Aerospace controls and electrical, CAGE 30221, P/N 36D423478G1 or Leland AES Inc., CAGE 0F795 P/N 36D423478G1; specifications, plans or Dwgs relating to the procurement described are not available & cannot be furnished by the GOVT. Incremental qtys-min-25/max-40 other than full & open comp., sole source, more than one source. 25-EA Del to Mechanicsburg PA 17055-0789 Del 250 days. All responsible sources may submit offer which DGSC shall consider(0038)

62 Lighting Fixtures and Lamps

Defense General Supply Center, 8000 Jeff Davis Hwy, Richmond, VA 23297-5312

62 -- **FIXTURE,LIGHTING** SOL SP0441-94-R-1867 DUE 050394 POC Contact: For copies of solicitations, (available at least 15 days from announcement, phone or write DGSC Attn;DGSC-PO Richmond VA 23297-5312 AC (804)279-3350. Eva White/BW200/(804)279-3508. John W. Wilkinson (804)279-3527 PR-NO: YPG93328001121 NSN 6210-01-181-0074, fixture, lighting (steel body, plastic acrylic illumination) Lithonia lighting, CAGE 16543, PN 2GT 440 RS A12 ES, cresent lighting, CAGE 33608, PN 24WRJ44-diametalux, Cooper Ind., CAGE 17244, PN 2gpas-440A. Spec, plans, or Dwgs relating to the procurement described are not available and cannot be furnished by the GOVT. Option to increase qty-100%. (see NOTE 12). 430-EA Del to Tracy CA 95376-5000 Del 120 days ARO. 20-EA Del to Columbus OH 43216-5000 Del 120 days ARO. 460-EA Del to Memphis TN 38114-5210 Del 120 days ARO. 1,432-EA Del to Richmond VA 23297-5900 Del 120 days ARO. 150-EA Del to Ogden UT 84407-5701 Del 120 days ARO. All responsible sources may submit offer which DGSC shall consider(0038)

Defense General Supply Center, 8000 Jeff Davis Hwy, Richmond, VA 23297-5312

62 -- **LIGHT, INDICATOR, QPL APPLIES** SOL SP0441-94-R-1864 DUE 050494 POC Contact: For copies of solicitations, (available at least 15 days from announcement, phone or write DGSC Attn;DGSC-PO Richmond VA 23297-5312 AC (804)279-3350. Eva White/BW200/(804)279-3508. John W. Wilkinson (804)279-3527 PR-NO: YPG93285001707 NSN 6210-00-284-0289, light, indicator QPL applies critical application item. IAW MIL Spec MIL-L-7961B basic dtd 59 Jun 04 Amend NR 3 dtd 78 Jul 25. IAW MIL STD MS25041, Rev G basic dtd 85 DEC 24, type NR P/N MS25041-4. Option to increase-100%. (see NOTES 9, 12, and 23). 11,000-EA Del to Tracy CA 95376-5000 Del 120 days ARO. 317-EA Del to Columbus OH 43216-5000 Del 120 days ARO. 5,000-EA Del to Memphis TN 38114-5210 Del 120 days ARO. 700-EA Del to New Cumberland PA 17070 Del 120 days ARO. 3,700-EA Del to Richmond VA 23297-5900 Del 120 days ARO. 1,948-EA Del to Ogden UT 84407-5701 Del 120 days ARO. All responsible sources may submit offer which DGSC shall consider(0038)

Defense General Supply Center, 8000 Jeff Davis Hwy, Richmond, VA 23297-5312

62 -- **FIXTURE,LIGHTING, FL INDUSTRIES INC.** SOL SP0441-94-R-1865 DUE 042194 POC Contact: For copies of solicitations, (available at least 15 days from announcement, phone or write DGSC Attn;DGSC-PO Richmond VA 23297-5312 AC (804)279-3350. Eva White/BW200/(804)279-3508. John W. Wilkinson (804)279-3527 PR-NO: YPG93273000414 NSN 6210-01-183-5377, fixture, lighting American Lighting Corp., CAGE 52440, PN sfl 90LD1MW-C Pauluhn Electric Mfg Co Inc, CAGE 95405, PN SX90a Quality/MWC lighting. A sub of Jac Jacobsen Ind Inc PN SE-90ips-120/240-CP-dbz. (if top Mount required, NOTE in bid). Spec, plans or Dwgs relating to the procurement described are not available and cannot be furnished by the GOVT. Option to increase qty-100%.199-EA Del to Tracy CA 95376-5000 Del 120 days ARO. All responsible sources may submit offer which DGSC shall consider(0038)

Defense General Supply Center, 8000 Jeff Davis Hwy, Richmond, VA 23297-5312

62 -- **WINDOW, LIGHTING FIXTURE, FIRST ARITCLE/PREPRODUCTION/APPROVAL** SOL SP0441-94-R-1862 DUE 051494 POC Contact: For copies of solicitations, (available at least 15 days from announcement, phone or write DGSC Attn;DGSC-PO Richmond VA 23297-5312 AC (804)279-3350. Contact : Eva White/BW200/(804)279-3508. John W. Wilkinson (804)279-3527. PR-NO: YPG93328000922 NSN 6210-00-548-0601, window, lighting fixture first article/preproduction/approval, contractor inspection required. IAW MIL Spec MIL-F-16377/8A basic dtd 81 Jul 29, type NR P/N M16377/8-001. IAW MIL Spec MIL-F-16377G basic dtd 81 Jun 05 Amend NR 01 dtd 81 DEC 24, type NR type 1, class 2. Option to increase qty-100%.(see NOTE 9) 4,568-EA Del to Richmond VA 23297-5900 Del 285 days ARO. All responsible sources may submit offer which DGSC shall consider(0038)

Defense General Supply Center, 8000 Jeff Davis Hwy, Richmond, VA 23297-5312

62 -- **LIGHT, INDICATOR, QPL APPLIES** SOL SP0441-94-R-1863 DUE 041894 POC Contact: For copies of solicitations, (available at least 15 days from announcement, phone or write DGSC Attn;DGSC-PO Richmond VA 23297-5312 AC (804)279-3350. Eva White/BW200/(804)279-3508. John W. Wilkinson (804)279-3527 PR-NO: YPG93343000808 NSN 6210-00-538-8770, light, indicator QPL applies IAW MIL Spec MIL-L-7961B basic dtd 59 Jun 04 Amend NR 3 dtd 78 Jul 25. IAW MIL STD MS25041 Rev G basic dtd 85 DEC 24 type NR PN MS25041-3. Option to increase qty-100%. (see NOTES 9 and 23) 5,387-EA Del to Mechanicsburg PA 17055-0789 Del 120 days ARO. All responsible sources may submit offer which DGSC shall consider(0038)

Defense General Supply Center, 8000 Jeff Davis Hwy, Richmond, VA 23297-5312

62 -- **FLUSH LIGHT ASSEMBLY, CD-3 EQUIPMENT** SOL SP0441-94-R-1866 DUE 050594 POC Contact: For copies of solicitations, (available at least 15 days from announcement, phone or write DGSC Attn;DGSC-PO Richmond VA 23297-5312 AC (804)279-3350. Eva White/BW200/(804)279-3508. John W. Wilkinson (804)279-3527 PR-NO: YPG93328000919 NSN 6210-00-118-6941, flush light assembly CD-3 Equipment Co. Inc, CAGE 64345, PN 78653 Spec, plans or Dwgs relating to the procurement described are not available and cannot be furnished by the GOVT. Incremental qty-min: 22 max: 31(see NOTES 12 and 22)22-EA Del to Tracy CA 95376-5000 Del 120 days ARO. All responsible sources may submit offer which DGSC shall consider(0038)

63 Alarm and Signal, and Security Detection Systems

Sa-Alc/Aerospace Equipment/Ldktk, 485 Roosevelt Rd. Ste #7, Bldg 171, Kelly afb, Texas 78241-6426

63 -- **ALARM** SOL F41608-94-R-10122 DUE 032894 POC For copy, Brehm, L/ldkt/210-925-8848, For additional information contact Brehm, L/ldkt/210-925-8848 Item 0001 NSN 6340-01-329-8643 P/N: 458-59290-504, Size: 2 inches x 3 inches x 2 inches Prec Matl: Electronics Function: Form, Fit, Function: Designed to detect the presence of pre- determined amounts of smoke dust, and the like within the measuring area. The presence of any of these substance cause a change in the output signal of the device. Delivery: 90 Days ARO 1ea. Applicable to: Kc135r. Destn: Kelly Afb, Texas 78241-6426. Government furnished drawings and specifications are not available. No Bid sets available. The approximate issue/response date will be 25 Feb 94. No telephone requests. Only written or faxed requests received directly from the requestor are acceptable. All responsible sources may submit a bid, proposal, or quotation which shall be considered. Authority: 10 U.S.C. 2304(C)(1). Justification: Supplies (or Services) required are available from only one or a limited number of responsible source(s) and no other type of supplies or services will satisfy agency requirements. See Note (s) 22. (0038)

65 Medical, Dental and Veterinary Equipment and Supplies

Directorate of Contracting, Fitzsimons Army Medical Center, ATTN: HSHG-DCC, Aurora, CO 80045-5001

65 -- **NOTICE OF INTENT TO AWARD SOLE SOURCE CONTRACT TO STERIS CORPORATION FOR THREE LOW TEMPERATURE STERILE PROCESSING SYSTEMS** SOL DADA03-94-R-0007 DUE 032594 POC Laura Morris, Contract Specialist, (303)361-8012 or Emily J. Mathis, Contracting Officer, (303)361-8012. The Government plans to issue a solicitation to the Steris Corporation to purchase, on a sole source basis, three Steris Low Temperature Sterile Processing Systems, as follows: one each Steris Model G1000, one each Steris Model G2000, and one each Steris Model G2070. Fitzsimons Army Medical Center has a minimum need for a low temperature sterile processing system which will not harm surgical scopes and camera equipment, and which completes the sterilization process in a relatively quick period (30-40 minutes), since the surgical scopes and equipment are re-used for several surgical cases per day. Other required features: (1) 110V - 120V 60 H[illegible] operation. (2) Computer printout shall be generated after each cycle to guarantee th[illegible] all parameters for sterilization have been met. The three parameters are tim[illegible] temperature, and concentration. (3) Systems shall have visual means for the user [illegible] check that acid has been aspirated out of the cup. Steris is the only firm whose steri[illegible] processing systems meet all of these requirements. Steris has been issued five U.S. patents on their low temperature processing systems; patents were issued between 1986 and 1992. If any firm other than Steris believes they have sterile processing systems which meet all of the Government's requirements, the firm should submit EVIDENCE OF CAPABILITY in the form of descriptive literature which clearly shows that all required salient features are met. If a firm requests a solicitation but does not furnish evidence of capability, the request will not be honored. After receiving the solicitation, all responsible sources may submit an offer which will be considered by the Government. All requests for solicitations must be submitted in writing. See Numbered Note(s): 22. (0038)

VA Denver Distribution Center, 730 Simms Street, Room 147, Lakewood, CO 80401

65 -- **CUSTOM IN-THE-EAR HEARING AIDS** SOL RFP 791-01-94 DUE 032594 POC Contact Point, Elaine Williams, (303)231-5025 The VA Denver Distribution Center, intends to negotiate contracts for custom In-The-Ear Hearing Aids. Solicitation package will be issued on February 22, 1994. This procurement is open to small and large businesses. All requests must be in writing on company letterhead with point of contact. No telephone requests will be honored. Trade agreement note 12 applies. A pre-proposal conference will be held at the VA Denver Distribution [illegible] 730 Simms Street, Room 147, Denver, Colorado 80401 on March 9, 1994, 1:00 p.m. to 3:30 p.m. Offers due March 25, 1994 at 4:00 p.m. Mountai[illegible] (0038)

Defense Personnel Support Center, 2800 S 20Th Street, Phila PA 19101-8419

65 -- **OPERATING TABLE, PEDASTAL HOSPITAL** SOL SP0200-94-R-8052 DUE 032294 POC Contact: Receptionist 215-737-3100 See NOTE: Total qty 9 each, U/I each, Del to DD Mech. PA 30 Day RFP-issued O/A 022294, sched Del per bng August 1994, contact Proc. Agnt, Barbara Lessner, on 215-737-5549, or CONTR. Offcr, Santa Delisi, on 215-737-5649 approx. Bid opening dte is 032294. This is only an EST. Dte. All responsible sources may submit A proposal which shall be considered by the agency. Solicitation requests may be transmitted via: Facsimile 215-72226. Attn: DPSC-MPO bid Officer . All responsible sources may submit offer which DPSC shall consider(0038)

Chief, Acquisition and Materiel Management (90C), VA Medical Center, One Veterans Drive, Minneapolis, MN 55417

65 -- **MEDICAL, DENTAL, AND VETERINARY EQUIPMENT AND SUPPLIES** SOL RFP 618-68-94 DUE 031894 POC Contact Point, MAVIS B. NELSON, (612)725-2189, Contracting Officer, MAVIS B. NELSON, (612)725-2189, Additional Contact, JANICE M. BYRD, (612)725-2188 Provide Brand Name or Equal Difco Laboratories ESP Blood Culture with Detection instrumentation, data management system, aerobic/anaerobic bottle sets, and disposable connectors as necessary to VA Medical Center, Minneapolis, MN on a purchase or rental basis; purchase of bottle will be for a three-year period. Request solicitation in writing or by fax at 612-725-2072. (0038)

Defense Personnel Support Center, 2800 S 20Th Street, Phila PA 19101-8419

65 -- **TUBING STERILIZATION** SOL SP0200-94-R-8053 DUE 032294 POC Contact: Receptionist 215-737-3100 See NOTE: This is an IDQ contract or indefinite quantity contract, Del to various destns, U/I Ft, 30 Day RFP-issued O/A 022294, dur of contract per is 90 days after awd of contract, unrest acq with eval pref for SDB concerns, contact Proc. Agnt, Barbara Lessner, on215-737-5549, or CONTR OFFCR Santa Delisi, on the same. . All responsible sources may submit A proposal which shall be considered by the agency. All responsible sources may submit offer which DPSC shall consider(0038)

66 Instruments and Laboratory Equipment

Oc-Alc/Dir Of Contracting/Commodities, 3001 Staff Dr Ste 2ah77a, Tinker Air force Base Ok 73145-3028

66 -- **PANEL MODE SELECTOR ILLUMINATED** SOL F34601-94-R-41380 DUE 032594 POC For copy, OC-ALC/PKXOA TINKER AFB OK 73145-3015, For

Department of Veterans Affairs

Memorandum

Date: FEB 2 1994

From: Director, Acquisition Policy and Review Service (95B)

Subj: Technical/Legal Review, RFP 591-01-94, Decentralized Schedule Contract for Custom-In-The-Ear Hearing Aids

To: Director, Denver Distribution Center (905)
THRU: Associate Deputy Assistant Secretary for Depots (90D) CDD 2/1
THRU: Associate Deputy Assistant Secretary for Acquisitions (90A)

1. The subject solicitation has been reviewed in accordance with your request.

2. Our comments and those of the Office of General Counsel are attached. Our concurrence is dependent upon the Contracting Officer's implementation of all comments.

3. Due to the novel and complex nature of Section M (Evaluation Factors for Award) of this solicitation, we recommend that the Contracting Officer maintain communications, as needed, with this office as this acquisition progresses. This approach was discussed with the Contracting Officer, Ms. Gail Hixon, and Mr. Dennis Foley of the Office of the General Counsel.

4. Please direct any questions to Larry Wyborski at (202) 233-4168.

For Robert E. Beeton

Attachments

Post-It™ brand fax transmittal memo 7671 | # of pages ▸ 6

To Shields	From 90D
Co.	Co.
Dept. 905	Phone #
Fax #	Fax #

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET

PLEASE COMPLETE AND SUBMIT THIS FORM TOGETHER WITH PROPOSAL TO THE ADDRESS AND BY THE DATE SPECIFIED IN BLOCKS 8 AND 9 STANDARD FORM 33.

1. Offeror: Starkey Labs. Inc

   Address: 6700 Washington Ave S., Eden Prairie, MN 55344

   Phone #: 800-328-8602

   Trade name/model number of sample - model: CE 9/OSP (Full Concha)

   Person to be contacted regarding samples submitted:

   Name Jim Curran Title Staff Audiologist Phone # ext 2131

2. Battery information:

   a. Battery type recommended 13 Zinc Air

   b. Zinc air battery is interchangeable with mercury: Yes X No ____

3. List all adjustment control options available, e.g., tone, SSPL:

   See Price List

4. Do you have a telephone pick-up? Yes X No ____

5. List all special types of circuits available in your product line, e.g., ultra power, K-AMP, ASP, compression:

   See Price List and order form

6. List all the additional feature(s) that can be obtained by request:

   See Price List and Order form

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET (CONT)

7. An insertion gain response can be provided for each custom aid ordered by a clinic:

Yes X No ______

8. Indicate below the exact positions at which all operating adjustments have been set for purpose of this solicitation.

Note: The statement "pre-set", is not acceptable:

a. Internal: ______________________

b. External: ______________________

c. None: ______________________

CERTIFICATION

The sample of the Model listed in this exhibit, serial number: ______________________ has been set and adjusted in accordance with the instructions in this exhibit.

______________________ Signature of Official

______________________ Date

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET

PLEASE COMPLETE AND SUBMIT THIS FORM TOGETHER WITH PROPOSAL TO THE ADDRESS AND BY THE DATE SPECIFIED IN BLOCKS 8 AND 9 STANDARD FORM 33.

1. Offeror: Starkey Labs. Inc

   Address: 6700 Washington Ave S., Eden Prairie, MN 55344

   Phone #: 800-328-8602

   Trade name/model number of sample - model: CE L9/OSP (Full Concha Low Profile)

   Person to be contacted regarding samples submitted:

   Name Jim Curran Title Staff Audiologist Phone # ext 2131

2. Battery information:

   a. Battery type recommended 312 Zinc Air

   b. Zinc air battery is interchangeable with mercury: Yes X No ______

3. List all adjustment control options available, e.g., tone, SSPL:

   See Price List

4. Do you have a telephone pick-up? Yes X No ______

5. List all special types of circuits available in your product line, e.g., ultra power, K-AMP, ASP, compression:

   See Price List and order form

6. List all the additional feature(s) that can be obtained by request:

   See Price list and order form

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET (CONT)

7. An insertion gain response can be provided for each custom aid ordered by a clinic:

Yes __X__ No ______

8. Indicate below the exact positions at which all operating adjustments have been set for purpose of this solicitation.

Note: The statement "pre-set", is not acceptable:

a. Internal: ____________________

b. External: ____________________

c. None: ____________________

CERTIFICATION

The sample of the Model listed in this exhibit, serial number: ______________________ has been set and adjusted in accordance with the instructions in this exhibit.

______________________________ Signature of Official

__________________ Date

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET

PLEASE COMPLETE AND SUBMIT THIS FORM TOGETHER WITH PROPOSAL TO THE ADDRESS AND BY THE DATE SPECIFIED IN BLOCKS 8 AND 9 STANDARD FORM 33.

1. Offeror: Starkey Labs. Inc

   Address: 6700 Washington Ave S., Eden Prairie, MN 55344

   Phone #: 800-328-8602

   Trade name/model number of sample - model: CE H9/OSP (Half Concha)

   Person to be contacted regarding samples submitted:

   Name Jim Curran Title Staff Audiologist Phone # ext 2131

2. Battery information:

   a. Battery type recommended 312 Zinc air

   b. Zinc air battery is interchangeable with mercury: Yes X No ______

3. List all adjustment control options available, e.g., tone, SSPL:

   See Price List

4. Do you have a telephone pick-up? Yes X No ______

5. List all special types of circuits available in your product line, e.g., ultra power, K-AMP, ASP, compression:

   See Price List and order form

6. List all the additional feature(s) that can be obtained by request:

   See Price List and order form

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET (CONT)

7. An insertion gain response can be provided for each custom aid ordered by a clinic:

Yes X____ No ______

8. Indicate below the exact positions at which all operating adjustments have been set for purpose of this solicitation.

Note: The statement "pre-set", is not acceptable:

a. Internal: ______________________

b. External: ______________________

c. None: ______________________

CERTIFICATION

The sample of the Model listed in this exhibit, serial number: ______________________ has been set and adjusted in accordance with the instructions in this exhibit.

______________________ Signature of Official

______________________ Date

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET

PLEASE COMPLETE AND SUBMIT THIS FORM TOGETHER WITH PROPOSAL TO THE ADDRESS AND BY THE DATE SPECIFIED IN BLOCKS 8 AND 9 STANDARD FORM 33.

1. Offeror: Starkey Labs. Inc

Address: 6700 Washington Ave S., Eden Prairie, MN 55344

Phone #: 800-328-8602

Trade name/model number of sample - model: SA C9/OSP (Canal)

Person to be contacted regarding samples submitted:

Name Jim Curran Title Staff Audiologist Phone # ext 2131

2. Battery information:

a. Battery type recommended 312 Zinc air

b. Zinc air battery is interchangeable with mercury: Yes X No ______

3. List all adjustment control options available, e.g., tone, SSPL:

See Price List

4. Do you have a telephone pick-up? Yes ______ No ______

5. List all special types of circuits available in your product line, e.g., ultra power, K-AMP, ASP, compression:

See Price List and order form

6. List all the additional feature(s) that can be obtained by request:

See Price List and order form

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET (CONT)

7. An insertion gain response can be provided for each custom aid ordered by a clinic:

Yes X______ No ______

8. Indicate below the exact positions at which all operating adjustments have been set for purpose of this solicitation.

Note: The statement "pre-set", is not acceptable:

a. Internal: ______________________

b. External: ______________________

c. None: ______________________

CERTIFICATION

The sample of the Model listed in this exhibit, serial number: ______________________ has been set and adjusted in accordance with the instructions in this exhibit.

______________________ ______________________
Signature of Official Date

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET

PLEASE COMPLETE AND SUBMIT THIS FORM TOGETHER WITH PROPOSAL TO THE ADDRESS AND BY THE DATE SPECIFIED IN BLOCKS 8 AND 9 STANDARD FORM 33. (Amended, see attached)

1. Offeror: Starkey Labs. Inc

   Address: 6700 Washington Ave S., Eden Prairie, MN 55344

   Phone #: 800-328-8602

   Trade name/model number of sample - model: SA S9/OSP (Canal, Secret Ear)

   Person to be contacted regarding samples submitted:

   Name Jim Curran Title Staff Audiologist Phone # ext 2131

2. Battery information:

   a. Battery type recommended 312 Zinc Air

   b. Zinc air battery is interchangeable with mercury: Yes X No ____

3. List all adjustment control options available, e.g., tone, SSPL:

   See Price List

4. Do you have a telephone pick-up? Yes ____ No ____

5. List all special types of circuits available in your product line, e.g., ultra power, K-AMP, ASP, compression:

   See Price List and order form

6. List all the additional feature(s) that can be obtained by request:

   See Price List and order form

CUSTOM-IN-THE-EAR HEARING AIDS

EXHIBIT "A"

OFFEROR'S INSTRUCTION SHEET (CONT)

7. An insertion gain response can be provided for each custom aid ordered by a clinic:

Yes __X__ No ______

8. Indicate below the exact positions at which all operating adjustments have been set for purpose of this solicitation.

Note: The statement "pre-set", is not acceptable:

a. Internal: ________________________

b. External: ________________________

c. None: ________________________

CERTIFICATION

The sample of the Model listed in this exhibit, serial number: ____________________________ has been set and adjusted in accordance with the instructions in this exhibit.

____ ______________________

Signature of Official Date

SOLICITATION MAILING LIST APPLICATION

1. TYPE OF APPLICATION: [X] INITIAL [ ] REVISION
2. DATE: 3/23/94

FORM APPROVED OMB NO. 2900-0445 APPROVAL EXPIRES 11-30-87

NOTE: Please complete all items on this form. Insert N/A in items not applicable. See Reverse for Instructions.

3. NAME AND ADDRESS OF FEDERAL AGENCY TO WHICH FORM IS SUBMITTED *(Include ZIP Code)*

Department of Veterans Affairs
Denver Distribution Center
730 Simms St, Rm 147
Denver, CO 80401

4. NAME AND ADDRESS OF APPLICANT *(Include county and ZIP Code)*

Starkey Labs. Inc
PO Box 9457
Minneapolis, (Hennepin), MN 55440

5. TYPE OF ORGANIZATION *(Check one)*

[ ] INDIVIDUAL [ ] NON-PROFIT ORGANIZATION
[ ] PARTNERSHIP [X] CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF: Minnesota

6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED *(If different than Item 4)*

7. NAMES OF OFFICERS, OWNERS, OR PARTNERS

A. PRESIDENT	B. VICE PRESIDENT	C. SECRETARY
William F. Austin	Dale Thorstad	
D. TREASURER	E. OWNERS OR PARTNERS	

8. AFFILIATES OF APPLICANT *(Names, locations and nature of affiliation. See definition on reverse.)*

9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME *(Indicate if agent)*

NAME	OFFICIAL CAPACITY	TELEPHONE NO. *(Include area code)*
D. L. Handberg	Division Manager	612-828-9108
Sue Pehringer	Governmental Serv Coordinator	612-828-9176

10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER *(See attached Federal agency's supplemental listing and instructions, if any)*

In-The-Ear Hearing Aids, Custom

11A. SIZE OF BUSINESS *(See definitions on reverse)*
[ ] SMALL BUSINESS *(If checked, complete items 11B and 11C)* [X] OTHER THAN SMALL BUSINESS

11B. AVERAGE NUMBER OF EMPLOYEES *(Including affiliates)* FOR FOUR PRECEDING CALENDAR QUARTERS: 2,000

11C. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS: $ N/A

12. TYPE OF OWNERSHIP *(See definitions on reverse)* *(Not applicable for other than small businesses)*
[ ] VIETNAM ERA VETERAN-OWNED BUSINESS [ ] DISABLED VETERAN-OWNED BUSINESS
[ ] DISADVANTAGED BUSINESS [ ] WOMAN OWNED BUSINESS

13. TYPE OF BUSINESS *(See definitions on reverse)*
[X] MANUFACTURER OR PRODUCER [ ] REGULAR DEALER *(Type 1)* [ ] CONSTRUCTION CONCERN [ ] SURPLUS DEALER
[ ] SERVICE ESTABLISHMENT [ ] REGULAR DEALER *(Type 2)* [ ] RESEARCH AND DEVELOPMENT

14. DUNS NO. *(If available)*: 072-000748

15. HOW LONG IN PRESENT BUSINESS?: 1973

16. FLOOR SPACE *(In square feet)*
A. MANUFACTURING: 185,000
B. WAREHOUSE: 35,000

17. NET WORTH
A. DATE: N/A
B. AMOUNT: $ N/A

18. SECURITY CLEARANCE *(If applicable, check highest clearance authorized)*

FOR	TOP SECRET	SECRET	CONFIDENTIAL
A. KEY PERSONNEL			
B. PLANT ONLY			

C. NAMES OF AGENCIES WHICH GRANTED SECURITY CLEARANCES *(Include dates)*

Plf FOIA Resp 000585

CERTIFICATION -- *I certify that information supplied herein (Including all pages attached) is correct and that neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.*

19. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN *(Type or Print)*
R. L. Handberg
Division Manager

20. SIGNATURE: [signature]

21. DATE SIGNED: 3/23/94

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE

PAGE 1 OF PAGES 6

2. AMENDMENT/MODIFICATION NO.

3. EFFECTIVE DATE 03-11-94

4. REQUISITION/PURCHASE REQ. NO.

5. PROJECT NO. *(If applicable)*

6. ISSUED BY CODE

VA Denver Distribution Center
P.O. Box 25166
Denver, CO 80225-0166

7. ADMINISTERED BY *(If other than Item 6)* CODE

8. NAME AND ADDRESS OF CONTRACTOR *(No., street, county, State and ZIP Code)*

(✓) 9A. AMENDMENT OF SOLICITATION NO.

X RFP 791-01-94

9B. DATED *(SEE ITEM 11)*

X 02-22-94

10A. MODIFICATION OF CONTRACT/ORDER NO.

10B. DATED *(SEE ITEM 13)*

CODE

FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

[X] The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers [ ] is extended, [X] is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning ______ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA *(If required)*

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(✓)	
	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: *(Specify authority)* THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES *(such as changes in paying office, appropriation date, etc.)* SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER *(Specify type of modification and authority)*

E. IMPORTANT: Contractor [ ] is not, [ ] is required to sign this document and return ______ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION *(Organized by UCF section headings, including solicitation/contract subject matter where feasible.)*

SOLICITATION NUMBER RFP 791-01-94 IS AMENDED AS NOTED ON THE ATTACHED PAGES.

Plf FOIA Resp 000586

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER *(Type or print)*

16A. NAME AND TITLE OF CONTRACTING OFFICER *(Type or print)*

Elaine Williams, Contracting Officer

15B. CONTRACTOR/OFFEROR

(Signature of person authorized to sign)

15C. DATE SIGNED

16B. UNITED STATES OF AMERICA

BY [signature] *(Signature of Contracting Officer)*

16C. DATE SIGNED 03-11-94

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT (CONT.)

Page 2 of 6 RFP 791-01-94
Amendment No. 1

Amend the following pages as indicated:

1. **ADD the following NOTE to page 2:**

NOTE: Failure to sign clause, 52,203-8, Requirement for Certificate for Procurement Integrity (NOV 1990), located in Section K, Page 40, will result in the rejection of your offer.

2. **CHANGE 1a, Physical Characteristics, on page 4, sentence number 7, to read as follows:**

It is preferred that serial numbers begin with the year of manufacture.

3. **CHANGE Color of Transmitter on page 4 to read Color of Case.**

4. **CHANGE 1b, General Technical Requirements, page 5, paragraph 4, to read as follows:**

Aids shall have a high coherence function ($\geq$0.9) at 70 dB SPL input level.

5. **ADD to the Matrix Book Requirements, on page 6 , the following:**

The 2cc coupler in a Frye test box, according to ANSI S3.22 1992, will be used to evaluate the matrix aid selections.

6. **DELETE: The technical requirements to preserve frequency response shape at input levels of 50-90 dB SPL is deleted on pages 4 and 5.**

7. ADD to Guarantees, page 16, as second paragraph, the following:

Additional Components (within two year guarantee)

The clinic will request a purchase order for the new option. The Denver Distribution Center will open a new purchase order per clinic request and forward to contractor. The contractor should forward original invoice plus one copy to the VA Audiology Clinic for certification. Invoice should be itemized listing component added, charges, and serial number changes if applicable. In the event that the additional modification fails to effect the desired improvement, the VA Audiology Clinic shall be allowed to return the hearing aid within 30 days, for further modification or notify the contractor that the hearing aid cannot be utilized by the veteran.

8. CHANGE Warranty (VA orders only), page 16, to read as follows:

Warranty (VA orders only) (Within 90 days)

The contractor agrees that upon receipt of the Custom In-The-Ear hearing aid by the VA Audiology Clinic, a 90-day period will commence in which to determine whether the hearing aid received provides the veteran with the desired improvement in hearing. If within the 90-day period, the VA Audiology Clinic determines that the hearing aid is inadequate or that modification are required, the hearing aid will be returned to the contractor for modification or credit. In the event that the additional modification fails to effect the desired improvement, the VA Audiology Clinic shall be allowed to return the hearing aid within 30 days, for further modification or notify the contractor that the hearing aid cannot be utilized by the veteran.

1. Model Change:

Contractor will credit entire purchase order. Clinic will re-order new aid. Denver Distribution Center will open new purchase order and forward to contractor. Contractor will re-invoice and forward original invoice plus one (1) copy to clinic for certification.

8. Cont., Warranty.

2. Modifications:

(a) Any change that requires the contractor to change the serial number: The contractor will credit entire purchase order. Clinic will re-order new aid. Denver Distribution Center will open new purchase order and forward to contractor. Contractor will re-invoice and forward original invoice plus one (1) copy to clinic for certification.

(b) Any change that does not require a serial number change: The contractor will credit the original option. The clinic will request a purchase order for the new option. The Denver Distribution Center will open a new purchase order per clinic request and forward to contractor. Contractor will re-invoice and forward original invoice plus one (1) copy to clinic for certification.

3. Changes Prior to Invoicing

For any change **PRIOR** to invoicing, contractor will contact clinic for authorization and clinic will notify Denver Distribution of the authorized change. DDC will adjust the original purchase order.

4. Return Aid for Credit

When the hearing aid cannot be utilized by the veteran within the 90 day warranty period, the VA Audiology Clinic will send the aid back to the contractor requesting a credit. The contractor will issue a credit memo to Denver Distribution Center within 30 days after receipt of aid.

9. CHANGE III Discounts, page 29, first sentence, to read as follows:

The following concessions are offered to the Government for delivery F.O.B Destination, to VA Medical Facilities listed on Exhibit "D" of this proposal, and with guarantee requirements as listed on page 16 of this solicitation.